

Exhibit Q
to
Webb Declaration

Exhibit Q
to
Webb Declaration

1 MORGAN, LEWIS & BOCKIUS LLP
2 KENT M. ROGER, State Bar No. 095987
3 DIANE L. WEBB, State Bar No. 197851
4 MICHELLE PARK CHIU, State Bar No. 248421
5 One Market, Spear Street Tower
6 San Francisco, CA 94105-1126
7 Tel: 415.442.1000
8 Fax: 415.442.1001
9 E-mail: kroger@morganlewis.com
10 dwebb@morganlewis.com
11 mchiu@morganlewis.com

12 Attorneys for Defendant
13 HITACHI ASIA, LTD.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 IN RE CATHODE RAY TUBE (CRT)
18 ANTITRUST LITIGATION

19 Case No. C07-5944 SC

20 **MDL NO. 1917**

21 Judge: Hon. Samuel Conti

22 Special Master: Hon. Charles A. Legge (Ret.)

23 **DEFENDANT HITACHI ASIA, LTD.'S
24 OBJECTIONS AND RESPONSES TO
25 FIRST SET OF REQUESTS FOR
26 PRODUCTION OF DOCUMENTS
27 FROM INDIRECT PURCHASER
28 PLAINTIFFS**

This Document Relates To:

ALL INDIRECT PURCHASER ACTIONS

PROPOUNDING PARTY: INDIRECT PURCHASER PLAINTIFFS

RESPONDING PARTY: HITACHI ASIA, LTD.

SET NUMBER: ONE (Nos. 1-6 [sic] 47-52)

Defendant Hitachi Asia, Ltd. ("Responding Party") hereby timely objects and responds to Indirect Purchaser Plaintiffs' ("Plaintiffs" or "Requesting Party") First Request for Production of Documents from Defendants ("Document Requests") served on May 26, 2010, and each document request set forth therein ("Responses"), as follows.

GENERAL OBJECTIONS

1. Responding Party's responses are based upon information and writings available to and located by Responding Party as of the date of service of these Responses. Responding Party has not completed its investigation of the facts relating to the Document Requests, and all of the information supplied and documents and things produced are based only on such information and documents that are reasonably available and specifically known to Responding Party as of the date of service of its response.

2. No express, incidental or implied admissions are intended by these Responses. The fact that Responding Party agrees to provide information in response to a particular request is not intended and shall not be construed as an admission that Responding Party accepts or admits the existence of any such information set forth in or assumed by such request, or that any such information and/or document constitutes admissible evidence. The fact that Responding Party agrees to provide information in response to a particular request is not intended and shall not be construed as a waiver by Responding Party of any part of any objection to such request or any part of any general objection made herein.

3. Responding Party reserves the right to change, amend, or supplement its objections at a later date. If Plaintiffs assert an interpretation of any aspect of the Document Requests or any of the requests therein that is different from that made by Responding Party, Responding Party reserves the right to supplement its objections if such interpretations made by Plaintiffs are held to be applicable.

4. Responding Party objects to the Document Requests, and each request therein, to the extent they are vague, ambiguous, or contain terms that are insufficiently defined.

5. Responding Party objects to the Document Requests, and each request therein, as overly broad, unduly burdensome, oppressive and beyond the proper scope of discovery.

6. If multiple, identical copies of any document are responsive to the requests herein, only one representative copy will be produced. Producing more than one identical copy is unduly burdensome and oppressive.

1 7. Responding Party objects to the Document Requests, and each request therein, to
 2 the extent they seek documents and materials on matters not relevant to the subject matter of this
 3 action, not admissible in evidence, and not reasonably calculated to lead to the discovery of
 4 admissible evidence.

5 8. Responding Party objects to the Document Requests, and each request therein, to
 6 the extent they seek to impose on it discovery obligations inconsistent with, or not authorized
 7 under, the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

8 9. Responding Party objects to the Document Requests, and to each request therein,
 9 to the extent they seek to impose on it discovery obligations inconsistent with, or not authorized
 10 under, the Local Rules of the United States District Court in and for the Northern District of
 11 California (the “Local Rules”).

12 10. Responding Party objects to the Document Requests, and to each request therein,
 13 to the extent they seek to impose on it discovery obligations exceeding the scope of the
 14 Stipulation and Order to Extend Limited Discovery Stay that the Court entered on January 5,
 15 2010 (the “Stay Order”).

16 11. Responding Party objects to the Document Requests, and each request therein, to
 17 the extent they seek documents and information that are beyond the scope of the Sherman
 18 Antitrust Act, 15 U.S.C. § 1.

19 12. Responding Party objects to the Document Requests, and each request therein, to
 20 the extent they fail to describe the documents and things sought with a reasonable degree of
 21 specificity.

22 13. Responding Party shall attempt to construe the terms and phrases used by
 23 Plaintiffs in a way to give those terms and phrases a meaning which will result in the production
 24 of relevant information or information designed to lead to the discovery of admissible evidence.

25 14. Responding Party objects to the Document Requests, and each request therein, to
 26 the extent they seek the discovery of documents regarding Responding Party’s sales outside of the
 27 United States and unrelated to United States commerce, as such sales are beyond the scope of this

1 litigation and thereby render the Document Requests overly broad, unduly burdensome, and not
 2 reasonably calculated to lead to the discovery of admissible evidence.

3 15. Responding Party objects to the Document Requests, and each request therein, to
 4 the extent they seek documents, including but not limited to electronic documents, the disclosure
 5 of which is prohibited by a law, regulation, or order of a court or other authority of a foreign
 6 jurisdiction in which the documents are located.

7 16. Responding Party objects to the Document Requests, and each request therein, to
 8 the extent they seek documents that are no longer active or readily accessible on Responding
 9 Party's databases but might exist in electronic archives or back-up files. Responding Party will
 10 not rebuild these electronic archives and back-up files in order to search for documents that may
 11 be responsive to the Document Requests. Based on the dates of the information sought, a portion
 12 of Responding Party's potentially responsive data will likely not be on active databases.

13 17. Responding Party objects to the Document Requests, and each request therein, to
 14 the extent they seek to impose on Responding Party an obligation to investigate or discover
 15 information or materials from third-parties or sources who are equally accessible to Plaintiffs.

16 18. Responding Party objects to the Document Requests and each request therein, to
 17 the extent they contain duplicative requests, in whole or in part. To the extent responsive
 18 documents have previously been produced, they will not be produced again.

19 19. Responding Party objects to the Document Requests, and each request therein, to
 20 the extent that they purport to call for Responding Party to engage in an investigation or to obtain
 21 information and/or documents not in its personal possession, custody or control. In addition,
 22 Responding Party objects to the extent the Document Requests require Responding Party to
 23 respond and/or produce documents on behalf of any person or entity other than itself.

24 20. Responding Party objects to the Document Requests, and each request therein, to
 25 the extent that they seek documents that are in the public record or which are equally accessible to
 26 the Plaintiffs as to Responding Party.

27 21. Responding Party objects to the Document Requests, and each request therein, to
 28 the extent that they attempt and/or purport to call for production of any information and/or

1 documents that are privileged, including, but not limited to, documents and materials that were
 2 prepared in anticipation of litigation, ADR, or for trial, that reveal communications between
 3 Responding Party and its legal counsel, and/or that otherwise constitute attorney-work product,
 4 joint defense or common interest privilege, or by any other applicable doctrine or privilege, or
 5 that are otherwise privileged or immune from discovery. Inadvertent testimony, production, or
 6 disclosure of any such information and/or document is not intended to and shall not constitute a
 7 waiver of any privilege or any other ground for objecting to discovery with respect to such
 8 testimony, information, and/or document, or with respect to the subject matter thereof. Nor shall
 9 such inadvertent production or disclosure waive Responding Party's right to object to the use of
 10 any such testimony, information, and/or document during this action or in any other or
 11 subsequent proceeding. Hence, Responding Party objects to each request to the extent each seeks
 12 testimony, documents, and information that are protected by the attorney-client privilege and/or
 13 the attorney work product doctrine.

14 22. No response herein should be deemed or construed as a representation that
 15 Responding Party agrees with or acquiesces in the characterization of any fact, assumption or
 16 conclusion of law contained in or implied by the Document Requests.

17 23. Responding Party objects to the Document Requests, and each request therein, to
 18 the extent they seek information and/or documents that would disclose proprietary information,
 19 trade secrets or other confidential research, development, or other confidential information
 20 protected by the Uniform Trade Secrets Act, among others, any and all rights of privacy under the
 21 United States Constitution or Article I of the Constitution of the State of California, or any other
 22 applicable law or state constitution, or that is otherwise prohibited from disclosure because to do
 23 so would cause Responding Party to violate legal and/or contractual obligations to any other
 24 persons or entities. Where applicable, Responding Party's Responses to the Document Requests
 25 are subject to the provisions of the Stipulated Protective Order that the Court entered on June 18,
 26 2008 (the "Protective Order"). Responding Party's Responses are hereby designated
 27 "Confidential" in accordance with the provisions of the Protective Order.

28

1 24. By representing that it will or will not produce documents, Responding Party does
 2 not represent that such documents exist.

3 25. To the extent Responding Party produces to Direct Purchaser Plaintiffs documents
 4 responsive to the Document Requests, such responsive documents will not be produced again.

5 26. Subject to and without waiving any of the foregoing objections, each of which is
 6 expressly incorporated into each individual response below as if fully stated therein, Responding
 7 Party expressly reserves the following rights:

8 a. Any and all testimony and information provided and/or documents
 9 produced by Responding Party in response to the Document Requests are and will remain subject
 10 to all objections as to relevance, materiality, propriety, and admissibility, as well as to any and all
 11 other objections on any grounds that would require the exclusion of the testimony, information,
 12 and/or document or any portion thereof if such testimony, information, and/or document was
 13 offered in evidence, all of which objections and grounds are hereby expressly reserved and may
 14 be interposed at the time of any written discovery, deposition, or at or before any hearing,
 15 arbitration or trial in this matter;

16 b. The right to object on any ground whatsoever at any time to any demand
 17 for further responses to the Document Requests or any other discovery procedures involving or
 18 relating to the subject matter of the Document Requests; and

19 c. The right to supplement the documents produced, or otherwise to
 20 supplement, revise or explain the information contained therein in light of information gathered
 21 through further investigation and discovery.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

DEFINITION NO. 1:

24 “All” should be construed to include the collective as well as the singular and shall mean
 25 “each,” “any,” and “every.”

OBJECTION TO DEFINITION NO. 1:

27 No objection.

1 **DEFINITION NO. 2:**

2 “Any” shall be construed to mean “any and all.”

3 **OBJECTION TO DEFINITION NO. 2:**

4 No objection.

5 **DEFINITION NO. 3:**

6 “Or” and “and” should be construed so as to require the broadest possible response. If, for
7 example, a request calls for information about “A or B” or “A and B,” you should produce all
8 information about A and all information about B, as well as all information about A and B
9 collectively. In other words, “or” and “and” should be read as “and/or.”

10 **OBJECTION TO DEFINITION NO. 3:**

11 No objection.

12 **DEFINITION NO. 4:**

13 “Defendant” means any company, organization, entity or person presently or subsequently
14 named as a defendant in this litigation.

15 **OBJECTION TO DEFINITION NO. 4:**

16 Responding Party objects to this definition to the extent it attempts to impose obligations
17 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
18 the Federal Rules of Civil Procedure.

19 Responding Party objects to this definition on the ground it calls for a legal conclusion.

20 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly
21 broad to the extent it seeks documents and information that are not relevant to the subject matter
22 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of
23 admissible evidence, and unduly burdensome to search for and produce.

24 Responding Party objects to this definition to the extent it seeks information and
25 documents that would disclose Responding Party’s or a third party’s respective trade secrets or
26 other confidential research, development, or confidential information protected by the Uniform
27 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
28 One of the Constitution of the State of California, or any other applicable state constitution or

1 law, or which is otherwise prohibited from disclosure because to do so would cause Responding
 2 Party to violate legal or contractual obligations to any other persons or entities. Where it may be
 3 appropriate to do so and with adequate protections and limitations, Responding Party expressly
 4 reserves the right to provide such documents and/or information only pursuant to the Protective
 5 Order in this action.

6 Responding Party objects to this definition to the extent that it attempts or purports to call
 7 for the production of any information and/or documents that are privileged, that were prepared in
 8 anticipation of litigation or trial, that reveal communications between Responding Party and its
 9 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or
 10 common interest privilege, or that are otherwise privileged or immune from discovery.

11 Responding Party objects to this definition to the extent it is intended to include persons
 12 or entities other than Responding Party. To the extent and in the context a request uses the term
 13 “Defendant,” Responding Party understands that the request and its obligations only extend to
 14 information and/or documents within Responding Party’s possession, custody or control.

15 Responding Party objects to this definition to the extent that it calls for documents or
 16 information beyond Responding Party’s knowledge. In addition, Responding Party objects to this
 17 definition to the extent that it requires Responding Party to respond and/or produce documents or
 18 information on behalf of any person or entity other than itself.

19 Responding Party will respond on behalf of Hitachi Asia, Ltd. only.

20 **DEFINITION NO. 5:**

21 “Document(s), data, and tangible things” is used in the broadest possible sense and has
 22 the meaning set forth in Federal Rule of Civil Procedure 34 including, but not limited to, writings;
 23 records; files; correspondence; reports; memoranda; calendars; diaries; minutes; electronic
 24 messages; voicemail; E-mail; telephone message records or logs; computer and network activity
 25 logs; hard drives; backup data; removable computer storage media such as tapes, disks, and cards;
 26 printouts; document image files; Web pages; databases; spreadsheets; software; books; ledgers;
 27 journals; orders; invoices; bills; vouchers; checks; statements; worksheets; summaries;
 28 compilations; computations; charts; diagrams; graphic presentations; drawings; films; charts;

1 digital or chemical process photographs; video, phonographic, tape, or digital recordings or
 2 transcripts thereof; drafts; jottings; and notes. Information that serves to identify, locate, or link
 3 such material, such as file inventories, file folders, indices, and metadata, is also included in this
 4 definition.

5 **OBJECTION TO DEFINITION NO. 5:**

6 Responding Party objects to this definition to the extent that it seeks to expand the scope
 7 of Rule 34 of the Federal Rules of Civil Procedure.

8 Responding Party also objects to this definition as overly broad to the extent it seeks
 9 documents and/or information that are not relevant to the subject matter of this action, not
 10 admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence,
 11 and unduly burdensome to search for and produce.

12 **DEFINITION NO. 6:**

13 “All Documents” means every document and every non-identical copy known to you and
 14 every such document or writing which you can locate or discover by reasonably diligent efforts,
 15 including, but not limited to, all drafts of documents now in the possession, custody or control of
 16 any defendant, its merged or acquired predecessors, former and present directors, officers,
 17 counsel, agents, employees and/or persons acting on its behalf.

18 **OBJECTION TO DEFINITION NO. 6:**

19 Responding Party objects to this definition to the extent that it seeks to expand the scope
 20 of Rule 34 of the Federal Rules of Civil Procedure.

21 Responding Party also objects to this definition as overly broad to the extent it seeks
 22 documents and/or information that are not relevant to the subject matter of this action, not
 23 admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence,
 24 and unduly burdensome to search for and produce.

25 Responding Party objects to this definition to the extent it is intended to include persons
 26 or entities other than Responding Party. Responding Party understands that these requests and its
 27 obligations only extend to documents and/or information within Responding Party’s possession,
 28 custody or control.

1 Responding Party will respond on behalf of Hitachi Asia, Ltd. only.

2 **DEFINITION NO. 7:**

3 “Electronic data” includes, without limitation, the following:

4 a. activity listings of electronic mail receipts and/or transmittals;

5 b. output resulting from the use of any software program, including, without

6 limitation, word processing documents, spreadsheets, database files, charts, graphs and outlines,

7 electronic mail, AOL Instant MessengerTM (or similar program) or bulletin board programs,

8 operating systems, source code, PRF files, PRC files, batch files, ASCII files, and all

9 miscellaneous media on which they reside and regardless of whether said electronic data exists in

10 an active file, a deleted file, or file fragment;

11 c. any and all items stored on computer memories, hard disks, floppy disks, CD-

12 ROM, magnetic tape, microfiche, or in any other vehicle for digital data storage and/or

13 transmittal, such as, but not limited to, a personal digital assistant, e.g., Palm Pilot, R.I.M.,

14 BlackBerry, or similar device, and file folder tabs, and/or containers and labels appended to, or

15 relating to, any physical storage device associated with each original and/or copy of all

16 documents requested herein.

17 **OBJECTION TO DEFINITION NO. 7:**

18 Responding Party objects to this definition to the extent it attempts to impose obligations
19 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
20 the Federal Rules of Civil Procedure.

21 Responding Party also objects to this definition as overly broad to the extent it seeks
22 documents and/or information that are not relevant to the subject matter of this action, not
23 admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence,
24 and unduly burdensome to search for and produce.

25 Responding Party objects to this definition to the extent it seeks documents that are no
26 longer active or readily accessible on Responding Party’s databases but might exist in electronic
27 archives or back-up files. Responding Party will not rebuild these electronic archives and back-
28 up files in order to search for documents that may be responsive to the Document Requests.

1 Based on the dates of the information sought, a portion of Responding Party's potentially
 2 responsive data will likely not be on active databases.

3 **DEFINITION NO. 8:**

4 "You" or "Your" means the responding defendant and any of its predecessors, successors,
 5 parents, subsidiaries, and any of its local, regional, national, executive and foreign offices,
 6 affiliates, divisions or branches thereof, any present or former partners, officers, directors,
 7 employees or agents including, but not limited to, attorneys, accountants, advisors and all other
 8 persons acting or purporting to act on its behalf.

9 **OBJECTION TO DEFINITION NO. 8:**

10 Responding Party objects to this definition to the extent it attempts to impose obligations
 11 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 12 the Federal Rules of Civil Procedure.

13 Responding Party objects to this definition on the ground it calls for a legal conclusion.

14 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly
 15 broad to the extent it seeks documents and information that are not relevant to the subject matter
 16 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of
 17 admissible evidence, and unduly burdensome to search for and produce.

18 Responding Party objects to this definition to the extent it seeks documents and
 19 information that would disclose Responding Party's or a third party's respective trade secrets or
 20 other confidential research, development, or confidential information protected by the Uniform
 21 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
 22 One of the Constitution of the State of California, or any other applicable state constitution or
 23 law, or which is otherwise prohibited from disclosure because to do so would cause Responding
 24 Party to violate legal or contractual obligations to any other persons or entities. Where it may be
 25 appropriate to do so and with adequate protections and limitations, Responding Party expressly
 26 reserves the right to provide such information and/or documents only pursuant to the Protective
 27 Order in this action.

28 Responding Party objects to this definition to the extent that it attempts or purports to call

1 for the production of any documents and/or information that are privileged, that were prepared in
 2 anticipation of litigation or trial, that reveal communications between Responding Party and its
 3 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or
 4 common interest privilege, or that are otherwise privileged or immune from discovery.

5 Responding Party objects to this definition to the extent it is intended to include persons
 6 or entities other than Responding Party. To the extent and in the context a request uses the term
 7 "defendant," Responding Party understands that the request and its obligations only extend to
 8 documents and/or information within Responding Party's possession, custody or control.

9 Responding Party objects to this definition to the extent that it calls for documents and/or
 10 information beyond Responding Party's knowledge. In addition, Responding Party objects to this
 11 definition to the extent that it requires Responding Party to respond and/or produce documents
 12 and/or information on behalf of any person or entity other than itself.

13 Responding Party will respond on behalf of Hitachi Asia, Ltd. only.

14 **DEFINITION NO. 9:**

15 "Person" shall refer to natural persons, firms, joint owners, associations, companies,
 16 partnerships, joint ventures, corporations, trusts, estates, agencies, departments or bureaus
 17 (governmental or private), and any other form of business, governmental or juridical person or
 18 legal entity.

19 **OBJECTION TO DEFINITION NO. 9:**

20 Responding Party objects to this definition to the extent it attempts to impose obligations
 21 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 22 the Federal Rules of Civil Procedure.

23 Responding Party objects to this definition on the ground it calls for a legal conclusion.

24 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly
 25 broad to the extent it seeks documents and information that are not relevant to the subject matter
 26 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of
 27 admissible evidence, and unduly burdensome to search for and produce.

28 Responding Party objects to this definition to the extent it seeks information and

1 documents that would disclose Responding Party's or a third party's respective trade secrets or
 2 other confidential research, development, or confidential information protected by the Uniform
 3 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
 4 One of the Constitution of the State of California, or any other applicable state constitution or
 5 law, or which is otherwise prohibited from disclosure because to do so would cause Responding
 6 Party to violate legal or contractual obligations to any other persons or entities. Where it may be
 7 appropriate to do so and with adequate protections and limitations, Responding Party expressly
 8 reserves the right to provide such information and/or documents only pursuant to the Protective
 9 Order in this action.

10 Responding Party objects to this definition to the extent that it attempts or purports to call
 11 for the production of any documents and/or information that are privileged, that were prepared in
 12 anticipation of litigation or trial, that reveal communications between Responding Party and its
 13 legal counsel, that otherwise constitute attorney work product, or that are otherwise privileged or
 14 immune from discovery.

15 Responding Party objects to this definition to the extent it is intended to include persons
 16 or entities other than Responding Party. To the extent and in the context a request uses the term
 17 "Person," Responding Party understands that the request and its obligations only extend to
 18 documents and/or information within Responding Party's possession, custody or control.

19 Responding Party objects to this definition to the extent that it calls for documents and/or
 20 information beyond Responding Party's knowledge. In addition, Responding Party objects to this
 21 definition to the extent that it requires Responding Party to respond and/or produce document
 22 and/or information on behalf of any person or entity other than itself.

23 Responding Party will respond on behalf of Hitachi Asia, Ltd. only.

24 **DEFINITION NO. 10:**

25 "Employee" means, without limitation, any current or former officer, director, executive,
 26 manager, secretary, messenger, agent or other person who is or was employed by a defendant.

27 **OBJECTION TO DEFINITION NO. 10:**

28 Responding Party objects to this definition to the extent it attempts to impose obligations

1 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 2 the Federal Rules of Civil Procedure.

3 Responding Party objects to this definition on the ground it calls for a legal conclusion.

4 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly
 5 broad to the extent it seeks documents and information that are not relevant to the subject matter
 6 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of
 7 admissible evidence, and unduly burdensome to search for and produce.

8 Responding Party objects to this definition to the extent it seeks information and
 9 documents that would disclose Responding Party's or a third party's respective trade secrets or
 10 other confidential research, development, or confidential information protected by the Uniform
 11 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
 12 One of the Constitution of the State of California, or any other applicable state constitution or
 13 law, or which is otherwise prohibited from disclosure because to do so would cause Responding
 14 Party to violate legal or contractual obligations to any other persons or entities. Where it may be
 15 appropriate to do so and with adequate protections and limitations, Responding Party expressly
 16 reserves the right to provide such information and/or documents only pursuant to the Protective
 17 Order in this action.

18 Responding Party objects to this definition to the extent that it attempts or purports to call
 19 for the production of any documents and/or information that are privileged, that were prepared in
 20 anticipation of litigation or trial, that reveal communications between Responding Party and its
 21 legal counsel, that otherwise constitute attorney work product, or that are otherwise privileged or
 22 immune from discovery.

23 Responding Party objects to this definition to the extent it is intended to include persons
 24 or entities other than Responding Party. To the extent and in the context a request uses the term
 25 "Employee," Responding Party understands that the request and its obligations only extend to
 26 documents and/or information within Responding Party's possession, custody or control.

27 Responding Party objects to this definition to the extent that it calls for documents and/or
 28 information beyond Responding Party's knowledge. In addition, Responding Party objects to this

1 definition to the extent that it requires Responding Party to respond and/or produce documents
 2 and/or information on behalf of any person or entity other than itself.

3 Responding Party will respond on behalf of Hitachi Asia, Ltd. only.

4 **DEFINITION NO. 11:**

5 “Concerning” means relating to, referring to, in connection with, pertaining to, describing,
 6 discussing, analyzing, reflecting, summarizing, evidencing, embodying or constituting.

7 **OBJECTION TO DEFINITION NO. 11:**

8 Responding Party objects to this definition to the extent it attempts to impose obligations
 9 on Responding Party and/or seeks documents, beyond those required to be produced pursuant to
 10 the Federal Rules of Civil Procedure.

11 Responding Party objects to the expression “concerning” to the extent it means more than
 12 comprising, or on its face discusses, pertains to or is connected with a well-defined, unambiguous
 13 and identifiable topic or subject matter.

14 Responding Party objects to this definition because responding to such overly broad,
 15 vague and ambiguous requests would be unduly burdensome and oppressive.

16 **DEFINITION NO. 12:**

17 “Meeting” means any discussion between two or more persons either in person or
 18 telephonically.

19 **OBJECTION TO DEFINITION NO. 12:**

20 Responding Party objects to this definition to the extent it attempts to impose obligations
 21 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 22 the Federal Rules of Civil Procedure.

23 **DEFINITION NO. 13:**

24 “Communication” and “Communications” are used in a comprehensive sense and shall
 25 mean and include every conceivable manner or means of disclosure, transfer or exchange of oral
 26 or written information (in the form of facts, ideas, inquiries or otherwise) between one or more
 27 persons or entities including, but not limited to, writings, documents, inter- and intraoffice
 28 memoranda, correspondence, meetings, conferences, conversations, and/or agreements, whether

1 face-to-face, by telephone, by mail, by telecopier, by telex, by computer or otherwise.

2 **OBJECTION TO DEFINITION NO. 13:**

3 Responding Party objects to this definition to the extent it attempts to impose obligations
 4 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 5 the Federal Rules of Civil Procedure.

6 **DEFINITION NO. 14:**

7 “CRT” means cathode ray tube(s) and “CRT Products” means products containing
 8 cathode ray tubes.

9 **OBJECTION TO DEFINITION NO. 14:**

10 Responding Party objects to this definition to the extent it attempts to impose obligations
 11 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 12 the Federal Rules of Civil Procedure.

13 Responding Party objects to this definition on the ground the term “CRT Products” is
 14 vague, ambiguous, unintelligible, and overly broad to the extent it seeks documents and
 15 information that are not relevant to the subject matter of this action, not admissible in evidence,
 16 not reasonably calculated to lead to the discovery of admissible evidence, and unduly burdensome
 17 to search for and produce. Moreover, any discovery as to “CRT Products” that is not reasonably
 18 related to Plaintiffs’ claims with respect to an alleged conspiracy involving CRTs is premature
 19 and overly burdensome until such time as Plaintiffs establish a reasonable basis for their claims
 20 regarding “CRT Products” to justify the enormous burden that Plaintiffs seek to impose on
 21 Responding Party by pursuing discovery as to all such products.

22 Responding Party objects to this definition on the ground that, to the extent the Document
 23 Requests seek documents regarding “CRTs,” the Document Requests are overly broad and unduly
 24 burdensome, and purport to call for information that is not relevant to the claim or defense of any
 25 party, not relevant to the subject matter involved in this action, and not reasonably calculated to
 26 lead to the discovery of admissible evidence, as the Complaint purports to bring this class action
 27 “on behalf of individuals and entities that indirectly purchased Cathode Ray Tube Products
 28 (“CRT Products”),” not direct purchasers. Indirect Purchaser Plaintiffs’ Consolidated Amended

1 Complaint (“Complaint”), ¶ 1. Furthermore, to the extent Responding Party produces documents
 2 responsive to the Document Requests regarding “CRTs” to Direct Purchaser Plaintiffs, such
 3 documents will not be produced again.

4 **INSTRUCTIONS**

5 **INSTRUCTION NO. 1:**

6 This document request calls for the production of all responsive documents in your
 7 possession, custody or control without regard to the physical location of such documents.

8 **OBJECTION TO INSTRUCTION NO. 1:**

9 Responding Party objects to this definition to the extent it attempts to impose obligations
 10 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 11 the Federal Rules of Civil Procedure.

12 Responding Party objects to this instruction to the extent it attempts to impose obligations
 13 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 14 the Federal Rules of Civil Procedure.

15 Responding Party objects to this instruction as vague, ambiguous, unintelligible, overly
 16 broad to the extent it seeks documents and information that are not relevant to the subject matter
 17 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of
 18 admissible evidence, and unduly burdensome to search for and produce.

19 Responding Party objects to this instruction to the extent it seeks documents and
 20 information that would disclose Responding Party’s or a third party’s respective trade secrets or
 21 other confidential research, development, or confidential information protected by the Uniform
 22 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
 23 One of the Constitution of the State of California, or any other applicable state constitution or
 24 law, or which is otherwise prohibited from disclosure because to do so would cause Responding
 25 Party to violate legal or contractual obligations to any other persons or entities. Where it may be
 26 appropriate to do so and with adequate protections and limitations, Responding Party expressly
 27 reserves the right to provide such information and/or documents only pursuant to the Protective
 28 Order in this action.

1 Responding Party objects to this instruction to the extent that it attempts or purports to call
 2 for the production of any documents and/or information that are privileged, that were prepared in
 3 anticipation of litigation or trial, that reveal communications between Responding Party and its
 4 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or
 5 common interest privilege, or that are otherwise privileged or immune from discovery.

6 Responding Party objects to this instruction to the extent it is intended to include persons
 7 or entities other than Responding Party.

8 Responding Party objects to this instruction to the extent that it calls for documents and/or
 9 information beyond Responding Party's knowledge.

10 Responding Party will respond on behalf of Hitachi Asia, Ltd. only.

11 **INSTRUCTION NO. 2:**

12 In producing documents and other materials, you must furnish all documents or things in
 13 your possession, custody or control, regardless of whether such documents or materials are
 14 possessed directly by you or your directors, officers, agents, employees, representatives,
 15 subsidiaries, managing agents, affiliates, investigators, or by your attorneys or their agents,
 16 employees, representatives or investigators.

17 **OBJECTION TO INSTRUCTION NO. 2:**

18 Responding Party objects to this instruction to the extent it attempts to impose obligations
 19 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 20 the Federal Rules of Civil Procedure.

21 Responding Party objects to this instruction on the ground it calls for a legal conclusion.

22 Responding Party objects to this instruction as vague, ambiguous, unintelligible, overly
 23 broad to the extent it seeks documents and information that are not relevant to the subject matter
 24 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of
 25 admissible evidence, and unduly burdensome to search for and produce.

26 Responding Party objects to this instruction to the extent it seeks documents and
 27 information that would disclose Responding Party's or a third party's respective trade secrets or
 28 other confidential research, development, or confidential information protected by the Uniform

1 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
 2 One of the Constitution of the State of California, or any other applicable state constitution or
 3 law, or which is otherwise prohibited from disclosure because to do so would cause Responding
 4 Party to violate legal or contractual obligations to any other persons or entities. Where it may be
 5 appropriate to do so and with adequate protections and limitations, Responding Party expressly
 6 reserves the right to provide such information and/or documents only pursuant to the Protective
 7 Order in this action.

8 Responding Party objects to this instruction to the extent that it attempts or purports to call
 9 for the production of any documents and/or information that are privileged, that were prepared in
 10 anticipation of litigation or trial, that reveal communications between Responding Party and its
 11 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or
 12 common interest privilege, or that are otherwise privileged or immune from discovery.

13 Responding Party objects to this instruction to the extent it is intended to include persons
 14 or entities other than Responding Party. To the extent and in the context a request uses the terms
 15 “you or your directors, officers, agents, employees, representatives, subsidiaries, managing
 16 agents, affiliates, investigators, or by your attorneys or their agents, employees, representatives or
 17 investigators,” Responding Party understands that the request and its obligations only extend to
 18 documents and/or information within Responding Party’s possession, custody or control.

19 Responding Party objects to this instruction to the extent that it calls for documents and/or
 20 information beyond Responding Party’s knowledge. In addition, Responding Party objects to this
 21 instruction to the extent that it requires Responding Party to respond and/or produce documents
 22 and/or information on behalf of any person or entity other than itself.

23 Responding Party will respond on behalf of Hitachi Asia, Ltd. only.

24 **INSTRUCTION NO. 3:**

25 In producing documents, you must produce the original of each document requested
 26 together with all non-identical copies and drafts of that document. If the original of any document
 27 cannot be located, a copy shall be provided in lieu thereof, and shall be legible and bound or
 28 stapled in the same manner as the original (to the extent this is known).

OBJECTION TO INSTRUCTION NO. 3:

Responding Party objects to this instruction to the extent that it seeks to expand the scope of Rule 34 of the Federal Rules of Civil Procedure.

Responding Party also objects to this instruction as overly broad to the extent it seeks documents and/or information that are not relevant to the subject matter of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence, and unduly burdensome to search for and produce.

INSTRUCTION NO. 4:

Pursuant to Federal Rule of Civil Procedure 34(b), documents shall be produced as they are kept in the usual course of business and shall be organized and labeled to identify any file number, file name, or any other file identification system utilized by the responding party, as well as the location and custodian of such records. These requests include Plaintiffs' request to physically inspect any file drawer, filing cabinet or any other storage device where documents responsive to these requests are maintained at the time of the inspection of such documents.

OBJECTION TO INSTRUCTION NO. 4:

Responding Party objects to this instruction to the extent it attempts to impose obligations on Responding Party and/or seeks documents beyond those required to be produced pursuant to the Federal Rules of Civil Procedure.

INSTRUCTION NO. 5:

Documents attached to each other should not be separated. If any portion of any document is responsive to any portion of the document requests below, then the entire document must be produced.

OBJECTION TO INSTRUCTION NO. 5:

Responding Party objects to this instruction to the extent it attempts to impose obligations on Responding Party and/or seeks documents beyond those required to be produced pursuant to the Federal Rules of Civil Procedure.

INSTRUCTION NO. 6:

All documents produced should be Bates number [SIC] sequentially, with a unique

1 number on each page, and with a prefix identifying the party producing the document.

2 **OBJECTION TO INSTRUCTION NO. 6:**

3 No objection.

4 **INSTRUCTION NO. 7:**

5 Pursuant to Federal Rule of Civil Procedure 34(b)(1)(C), the responding party must
 6 produce any electronically stored information (“ESI”) in its native format. If ESI in its native
 7 format can only be accessed by proprietary or legacy software, the responding party shall receive
 8 all information and software necessary to access the ESI. Subject to the right under Rule 34(a) to
 9 sample, ESI from proprietary databases may be produced in Excel or other mutually agreeable
 10 format. ESI is to be produced in Tagged Image File Format (“TIFF,” or “.TIF”) files. TIFF files
 11 should be produced in single page format along with an image load file (DTI file) indicating
 12 document breaks. The image load file should be compatible with Summation and Concordance.
 13 Load files created in the process of converting ESI from the electronic format of the application
 14 in which the ESI is normally created, viewed, and/or modified (“metadata load file”) must also be
 15 produced. The metadata load files should contain any and all metadata identified within the data,
 16 including document text, file name, last accessed date and time, file created date and time, last
 17 modified date and time, and original path of the document. In the case of e-mail, the load file
 18 should also include additional metadata including the author, recipient, cc, bcc, date and time
 19 sent, and date and time received. Load files should also contain a link to Excel spreadsheets and
 20 Access databases in native format and the Excel and Access files should be included in the
 21 production in native form in a directory structure that is identical to the target of the link. Files
 22 should be accompanied by a reference file containing the MD5 hash value for each file. Load files
 23 should provide all parent/child or parent/sibling relationships. Family ranges should also be
 24 provided. Other databases are to be produced in reasonably usable form. Audio files are to be
 25 produced in MPEG-1 Audio Layer 3 (“MP3”) format and should be accompanied by a reference
 26 file containing the MD5 hash value for each file. Bates numbers should be electronically branded
 27 to each page of ESI produced. Gaps in bates numbers produced should be explained in a privilege
 28 log. Please provide an index or other means to determine which files came from which office

1 and/or person.

2 **OBJECTION TO INSTRUCTION NO. 7:**

3 Responding Party objects to this instruction to the extent it attempts to impose obligations
 4 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 5 the Federal Rules of Civil Procedure.

6 Responding Party objects to this instruction to the extent it seeks documents and
 7 information that would disclose Responding Party's or a third party's respective trade secrets or
 8 other confidential research, development, or confidential information protected by the Uniform
 9 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
 10 One of the Constitution of the State of California, or any other applicable state constitution or
 11 law, including any copyright or license, or which is otherwise prohibited from disclosure because
 12 to do so would cause Responding Party to violate legal or contractual obligations to any other
 13 persons or entities. Where it may be appropriate to do so and with adequate protections and
 14 limitations, Responding Party expressly reserves the right to provide such information and/or
 15 documents only pursuant to the Protective Order in this action.

16 Responding Party objects to this instruction on the ground that the parties are in the
 17 process of meeting and conferring to develop an ESI protocol pursuant to Judge Legge's order.
 18 Accordingly, Responding Party's ESI obligations have yet to be determined, and Responding
 19 Party objects to this instruction to the extent it conflicts with or in anyway attempts to expand
 20 Responding Party's discovery obligations beyond those yet to be identified within and pursuant to
 21 the final ESI protocol in this matter.

22 **INSTRUCTION NO. 8:**

23 If any responsive document was, but no longer is, in the possession of or subject to your
 24 control, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred,
 25 voluntarily or involuntarily, to others, or (iv) has been otherwise disposed of, and in each instance
 26 explain the circumstances surrounding this, and state the date or approximate date of such
 27 disposition.

28

1 **OBJECTION TO INSTRUCTION NO. 8:**

2 Responding Party objects to this instruction to the extent it attempts to impose obligations
 3 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 4 the Federal Rules of Civil Procedure.

5 Responding Party objects on the grounds that it is impossible to identify, describe, and
 6 further explain the circumstances regarding every document that ever “was, but no longer is, in
 7 the possession of or subject to your control.” To the extent that it is even possible to identify,
 8 describe, and explain the circumstances regarding such documents, such investigation would
 9 impose a unique, time-consuming and unreasonable burden.

10 Responding Party objects to this instruction on the ground it is unduly burdensome and
 11 oppressive.

12 **INSTRUCTION NO. 9:**

13 In the event that you object to any document request on the ground of privilege or work
 14 product, a statement shall be provided as to each document which includes:

- 15 a. the name of the author of the document;
- 16 b. the name of the recipient of the document;
- 17 c. the names of the persons to whom copies were sent;
- 18 d. the job title of every individual named in (a), (b), and (c) above;
- 19 e. the date the document was created, sent, and received;
- 20 f. the location of the document;
- 21 g. the custodian of the document;
- 22 h. a brief description of the nature and subject matter of the document; and
- 23 i. a statement of the privilege asserted and each and every fact or basis upon which a
 24 privilege is claimed or on which the document is otherwise withheld.

25 Notwithstanding the assertion of any objection to production, if a document contains non-
 26 objectionable or non-privileged matter, please produce that document, redacting that portion for
 27 which the objection is asserted, provided that the identification requested in paragraphs (h) and (i)
 28 above are furnished. A log itemizing each of these documents and this corresponding information

1 that forms the basis for your objection on privilege or work product grounds shall be served
 2 contemporaneously with your responses to these document requests.

3 **OBJECTION TO INSTRUCTION NO. 9:**

4 Responding Party objects to this instruction to the extent it attempts to impose obligations
 5 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 6 the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

7 **INSTRUCTION NO. 10:**

8 Each document should be produced in its entirety and without deletion, redaction or
 9 excisions, except as provided by Instruction 9 above, regardless of whether you consider the
 10 entire document or only part of it to be relevant or responsive to these document requests. If you
 11 have redacted any portion of a document, stamp the word "REDACTED" beside the redacted
 12 information on each page of the document which you have redacted. Any redactions to such
 13 documents produced should be identified in accordance with Instruction 9 above.

14 **OBJECTION TO INSTRUCTION NO. 10:**

15 Responding Party objects to this instruction to the extent it attempts to impose obligations
 16 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 17 the Federal Rules of Civil Procedure.

18 Responding Party objects to this instruction to the extent it seeks documents and
 19 information that would disclose Responding Party's or a third party's respective trade secrets or
 20 other confidential research, development, or confidential information protected by the Uniform
 21 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article
 22 One of the Constitution of the State of California, or any other applicable state constitution or
 23 law, or which is otherwise prohibited from disclosure because to do so would cause Responding
 24 Party to violate legal or contractual obligations to any other persons or entities. Where it may be
 25 appropriate to do so and with adequate protections and limitations, Responding Party expressly
 26 reserves the right to provide such information and/or documents only pursuant to the Protective
 27 Order in this action.

28 Responding Party objects to this instruction to the extent that it attempts or purports to call

1 for the production of any documents and/or information that are privileged, that were prepared in
 2 anticipation of litigation or trial, that reveal communications between Responding Party and its
 3 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or
 4 common interest privilege, or that are otherwise privileged or immune from discovery.

5 **INSTRUCTION NO. 11:**

6 The following requests are continuing in nature pursuant to Rule 26(e) of the Federal
 7 Rules of Civil Procedure so as to require the prompt production of supplemental or additional
 8 responsive documents when you become aware of such, up to and including the time of trial.

9 **OBJECTION TO INSTRUCTION NO. 11:**

10 Responding Party objects to this definition to the extent it attempts to impose obligations
 11 on Responding Party and/or seeks documents beyond those required to be produced pursuant to
 12 the Federal Rules of Civil Procedure.

13 **RELEVANT TIME PERIOD**

14 Unless otherwise stated, these requests call for the production of all documents that were
 15 generated and/or maintained during the period January 1, 1995 through the present (the "relevant
 16 time period"). These document requests seek all responsive documents created or generated
 17 during the relevant time period, as well as responsive documents created or generated outside the
 18 relevant time period, but which contain information concerning the relevant time period.

19 **OBJECTION TO DEFINITION OF RELEVANT TIME PERIOD**

20 Responding Party objects to the definition of the relevant time period on the grounds that
 21 it is vague, ambiguous, unintelligible, overly broad and seeks information or materials on matters
 22 not relevant to the subject matter of this action, not admissible in evidence, and not reasonably
 23 calculated to lead to the discovery of admissible evidence.

24 The "Relevant Time Period" as defined exceeds the putative class period, which begins on
 25 March 1, 1995 and ends on November 25, 2007 (Complaint, ¶ 1), and seeks documents and
 26 information beyond the statute of limitations period. Judge Conti directed the parties to Judge
 27 Legge to develop procedures for the early resolution of statute of limitations issues and to reduce
 28 the burden in connection therewith. Judge Legge required the parties to meet and confer on this

1 issue. Accordingly, Responding Party believes it is premature for it to have to produce any
 2 documents from prior to the statute of limitations period until the parties meet and confer and/or
 3 Judge Legge considers this issue and determines the proper scope of that burden.

4 For purposes of responding to these Document Requests, Responding Party will interpret
 5 "Relevant Time Period" to mean the applicable statute(s) of limitations period(s) (the
 6 "Limitations Period").

7 Each of the foregoing General Objections and Objections to Definitions and Instructions
 8 is incorporated into the following specific objections. Accordingly, each specific objection is
 9 made subject to, and without waiver of, the foregoing General Objections and Objections to
 10 Definitions and Instructions. Responding Party incorporates by reference each and every General
 11 Objection and Objection to Definitions and Instructions into each and every specific response.
 12 From time to time a specific response may repeat a General Objection or Objection to the
 13 Definitions and Instructions for emphasis or some other reason. The failure to repeat any General
 14 Objection or Objection to the Definitions and Instructions in any specific response shall not be
 15 interpreted as a waiver of any General Objection or Objection to the Definitions and Instructions
 16 to that response.

17 **SPECIFIC RESPONSES TO DOCUMENT REQUESTS**

18 **REQUEST NO. 1 [SIC] REQUEST NO. 47:**

19 All documents produced by you (including seized documents) to any domestic
 20 governmental entity, including the United States Department of Justice, referring or relating to
 21 CRT or CRT Products.

22 **RESPONSE TO REQUEST NO. 1 [SIC] REQUEST NO. 47:**

23 Responding Party reasserts and incorporates each of the General Objections and
 24 Objections to Definitions and Instructions set forth above.

25 Responding Party objects to this request on the grounds that it is overly broad, unduly
 26 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

27 Responding Party objects to this request on the grounds that it seeks information in excess
 28 of the limited scope of discovery permitted by the Stay Order, as the Stay Order states that "no

1 discovery shall be conducted in this case (including, without limitation, document requests,
 2 interrogatories, requests to admit, or depositions) that reflects, refers to, or relates to grand jury
 3 proceedings concerning CRTs or CRT products, including any party's or witness's
 4 communications with the United States, or with any grand jury investigating CRTs or CRT
 5 products, except by the order of the Court upon good cause shown and consistent with governing
 6 law." Stipulation and Order to Extend Limited Discovery Stay, ¶ 3 (January 5, 2010).

7 Responding Party objects to this request on the grounds that it seeks production of
 8 documents protected by the attorney-client privilege, work product doctrine, joint defense or
 9 common interest privilege, or by any other applicable doctrine or privilege.

10 Responding Party objects to this request on the grounds it seeks information and/or
 11 documents that would disclose confidential information protected by any and all rights of privacy
 12 under the United States Constitution or any other applicable law, or that is otherwise prohibited
 13 from disclosure because to do so would cause Responding Party to violate legal and/or
 14 contractual obligations to any other persons or entities.

15 Responding Party objects to this request on the grounds that, to the extent it seeks
 16 documents regarding "CRT Products," as distinguished from "CRTs," this request is vague and
 17 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not
 18 relevant to the claim or defense of any party, not relevant to the subject matter involved in this
 19 action, and not reasonably calculated to lead to the discovery of admissible evidence.

20 Responding Party objects that the "Relevant Time Period" is overly broad and not
 21 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible
 22 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing
 23 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request
 24 purports to seek documents beyond the statute of limitations.

25 Responding Party objects that the phrase "in connection with" is not defined and is vague,
 26 ambiguous, and unintelligible, rendering the request overly broad and unduly burdensome and not
 27 reasonably calculated to lead to the discovery of admissible evidence.

28 Responding Party objects on the grounds that, to the extent this request seeks documents

1 related to "CRTs," this request is overly broad, unduly burdensome, and purports to call for
 2 information that is not relevant to the claim or defense of any party, not relevant to the subject
 3 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible
 4 evidence. The Complaint alleges Plaintiffs purport to bring this action "on behalf of individuals
 5 and entities that indirectly purchased Cathode Ray Tube Products." (Complaint, ¶ 1).

6 Subject to and without waiving the general and specific objections stated above,
 7 Responding Party responds that it has no documents responsive to this request.

8 **REQUEST NO. 2 [SIC] REQUEST NO. 48:**

9 Copies of all subpoenas or requests for production of documents issued by the United
 10 States Department of Justice referring or relating to CRT or CRT Products.

11 **RESPONSE TO REQUEST NO. 2 [SIC] REQUEST NO. 48:**

12 Responding Party reasserts and incorporates each of the General Objections and
 13 Objections to Definitions and Instructions set forth above.

14 Responding Party objects to this request on the grounds that it is overly broad, unduly
 15 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

16 Responding Party objects to this request on the grounds that it seeks information in excess
 17 of the limited scope of discovery permitted by the Stay Order, as the Stay Order states that "no
 18 discovery shall be conducted in this case (including, without limitation, document requests,
 19 interrogatories, requests to admit, or depositions) that reflects, refers to, or relates to grand jury
 20 proceedings concerning CRTs or CRT products, including any party's or witness's
 21 communications with the United States, or with any grand jury investigating CRTs or CRT
 22 products, except by the order of the Court upon good cause shown and consistent with governing
 23 law." Stipulation and Order to Extend Limited Discovery Stay, ¶ 3 (January 5, 2010).

24 Responding Party objects to this request on the grounds that it seeks production of
 25 documents protected by the attorney-client privilege, work product doctrine, joint defense or
 26 common interest privilege, or by any other applicable doctrine or privilege.

27 Responding Party objects to this request on the grounds it seeks information and/or
 28 documents that would disclose confidential information protected by any and all rights of privacy

1 under the United States Constitution or any other applicable law, or that is otherwise prohibited
 2 from disclosure because to do so would cause Responding Party to violate legal and/or
 3 contractual obligations to any other persons or entities.

4 Responding Party objects to this request on the grounds that, to the extent it seeks
 5 documents regarding “CRT Products,” as distinguished from “CRTs,” this request is vague and
 6 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not
 7 relevant to the claim or defense of any party, not relevant to the subject matter involved in this
 8 action, and not reasonably calculated to lead to the discovery of admissible evidence.

9 Responding Party objects that the “Relevant Time Period” is overly broad and not
 10 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible
 11 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing
 12 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request
 13 purports to seek documents beyond the statute of limitations.

14 Responding Party objects to the extent this request seeks documents that are no longer
 15 active or readily accessible in electronic form which renders this request overly broad and unduly
 16 burdensome.

17 Responding Party objects on the grounds that, to the extent this request seeks documents
 18 related to “CRTs,” this request is overly broad, unduly burdensome, and purports to call for
 19 information that is not relevant to the claim or defense of any party, not relevant to the subject
 20 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible
 21 evidence. The Complaint alleges Plaintiffs purport to bring this action “on behalf of individuals
 22 and entities that indirectly purchased Cathode Ray Tube Products.” (Complaint, ¶ 1).

23 Subject to and without waiving the objections stated above, Responding Party declines to
 24 produce documents that may be responsive to this request.

25 **REQUEST NO. 3 [SIC] REQUEST NO. 49:**

26 Documents sufficient to show your corporate structure or organization throughout the
 27 relevant time period, including, but not limited to, departments, divisions, parents, subsidiaries,
 28 joint ventures, affiliates, or other sub-units that were engaged during any part of the relevant time

1 period in the manufacture, marketing, sale or distribution of CRT or CRT Products including,
 2 where applicable, the percentage of any stock or other interests owned by each entity in the chain.

3 **RESPONSE TO REQUEST NO. 3 [SIC] REQUEST NO. 49:**

4 Responding Party reasserts and incorporates each of the General Objections and
 5 Objections to Definitions and Instructions set forth above.

6 Responding Party objects to this request on the grounds that it is overly broad, unduly
 7 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence
 8 including to the extent that it seeks the discovery of documents regarding Responding Party's
 9 sales outside of the United States and unrelated to United States commerce, as such sales are
 10 beyond the scope of this litigation and thereby render the Document Requests overly broad,
 11 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible
 12 evidence.

13 Responding Party objects to this request on the grounds that it seeks production of
 14 documents protected by the attorney-client privilege, work product doctrine, joint defense or
 15 common interest privilege, or by any other applicable doctrine or privilege.

16 Responding Party objects to this request on the grounds it seeks information and/or
 17 documents that would disclose confidential information protected by any and all rights of privacy
 18 under the United States Constitution or any other applicable law, or that is otherwise prohibited
 19 from disclosure because to do so would cause Responding Party to violate legal and/or
 20 contractual obligations to any other persons or entities.

21 Responding Party objects to this request on the grounds that, to the extent it seeks
 22 documents regarding "CRT Products," as distinguished from "CRTs," this request is vague and
 23 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not
 24 relevant to the claim or defense of any party, not relevant to the subject matter involved in this
 25 action, and not reasonably calculated to lead to the discovery of admissible evidence.

26 Responding Party objects that the "Relevant Time Period" is overly broad and not
 27 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible
 28 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing

1 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request
 2 purports to seek documents beyond the statute of limitations.

3 Responding Party objects to this request on the grounds that, to the extent it seeks
 4 documents not related to “CRT Products” only, this request is overly broad and unduly
 5 burdensome and purports to call for information that is not relevant to the claim or defense of any
 6 party, not relevant to the subject matter involved in this action, and not reasonably calculated to
 7 lead to the discovery of admissible evidence.

8 Responding Party objects to the extent this request seeks documents that are no longer
 9 active or readily accessible in electronic form which renders this request overly broad and unduly
 10 burdensome.

11 Responding Party objects on the grounds that, to the extent this request seeks documents
 12 related to “CRTs,” this request is overly broad and unduly burdensome and purports to call for
 13 information that is not relevant to the claim or defense of any party, not relevant to the subject
 14 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible
 15 evidence. The Complaint alleges Plaintiffs purport to bring this action “on behalf of individuals
 16 and entities that indirectly purchased Cathode Ray Tube Products.” (Complaint, ¶ 1)

17 Responding Party objects that this request is duplicative of Request No. 1 of Plaintiffs’
 18 Second Set of Requests for Production of Documents.

19 Responding Party objects on the grounds that, to the extent Responding Party produces
 20 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be
 21 produced again.

22 Responding Party objects that, to the extent documents responsive to this request have
 23 previously been produced, they will not be produced again.

24 Subject to and without waiving the general and specific objections stated above,
 25 Responding Party responds that it will make reasonable, not unduly burdensome efforts to
 26 identify documents responsive to this request within the Limitations Period and, if any, will
 27 produce non-privileged, responsive documents.

28

1 **REQUEST NO. 4 [SIC] REQUEST NO. 50:**

2 As to each of your divisions, subdivisions, departments, units, subsidiaries, parents,
 3 affiliates and joint ventures, documents sufficient to identify each employee having any
 4 responsibilities or duties with respect to each of the following:
 5 a. the manufacturing or production of CRT or CRT Products;
 6 b. the marketing of CRT or CRT Products;
 7 c. the pricing of CRT or CRT Products;
 8 d. the sale or distribution of CRT or CRT Products;
 9 e. maintaining any electronic database(s), including archives of e-mails or other
 10 electronic documents relating to CRT or CRT Products.

11 **RESPONSE TO REQUEST NO. 4 [SIC] REQUEST NO. 50:**

12 Responding Party reasserts and incorporates each of the General Objections and
 13 Objections to Definitions and Instructions set forth above.

14 Responding Party objects to this request on the grounds that it is overly broad, unduly
 15 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence
 16 including to the extent that it seeks the discovery of documents regarding Responding Party's
 17 sales outside of the United States and unrelated to United States commerce, as such sales are
 18 beyond the scope of this litigation and thereby render the Document Requests overly broad,
 19 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible
 20 evidence.

21 Responding Party objects to this request on the grounds that it seeks production of
 22 documents protected by the attorney-client privilege, work product doctrine, joint defense or
 23 common interest privilege, or by any other applicable doctrine or privilege.

24 Responding Party objects to this request on the grounds it seeks information and/or
 25 documents that would disclose confidential information protected by any and all rights of privacy
 26 under the United States Constitution or any other applicable law, or that is otherwise prohibited
 27 from disclosure because to do so would cause Responding Party to violate legal and/or
 28 contractual obligations to any other persons or entities.

1 Responding Party objects to this request on the grounds that, to the extent it seeks
 2 documents regarding “CRT Products,” as distinguished from “CRTs,” this request is vague and
 3 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not
 4 relevant to the claim or defense of any party, not relevant to the subject matter involved in this
 5 action, and not reasonably calculated to lead to the discovery of admissible evidence.

6 Responding Party objects that the “Relevant Time Period” is overly broad and not
 7 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible
 8 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing
 9 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request
 10 purports to seek documents beyond the statute of limitations.

11 Responding Party objects to this request on the grounds that, to the extent it seeks
 12 documents not related to “CRT Products” only, this request is overly broad and unduly
 13 burdensome and purports to call for information that is not relevant to the claim or defense of any
 14 party, not relevant to the subject matter involved in this action, and not reasonably calculated to
 15 lead to the discovery of admissible evidence.

16 Responding Party objects that this request is duplicative of Request No. 2 of Plaintiffs’
 17 Second Set of Requests for Production of Documents.

18 Responding Party objects to the extent this request seeks documents that are no longer
 19 active or readily accessible in electronic form which renders this request overly broad and unduly
 20 burdensome.

21 Responding Party objects on the grounds that, to the extent this request seeks documents
 22 related to “CRTs,” this request is overly broad, unduly burdensome, and purports to call for
 23 information that is not relevant to the claim or defense of any party, not relevant to the subject
 24 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible
 25 evidence. The Complaint alleges Plaintiffs purport to bring this action “on behalf of individuals
 26 and entities that indirectly purchased Cathode Ray Tube Products.” (Complaint, ¶ 1).

27 Responding Party objects on the grounds that, to the extent Responding Party produces
 28 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be

1 produced again.

2 Responding Party objects that, to the extent documents responsive to this request were
3 previously produced, they will not be produced again.

4 Subject to and without waiving the general and specific objections stated above,
5 Responding Party responds that it will make reasonable, not unduly burdensome efforts to
6 identify documents responsive to this request within the Limitations Period and, if any, will
7 produce non-privileged, responsive documents.

8 **REQUEST NO. 5 [SIC] REQUEST NO. 51:**

9 Documents and electronic data sufficient to identify or set forth your annual, monthly and
10 quarterly sales of CRT or CRT Products in the United States from January 1, 1991 through the
11 present.

12 **RESPONSE TO REQUEST NO. 5 [SIC] REQUEST NO. 51:**

13 Responding Party reasserts and incorporates each of the General Objections and
14 Objections to Definitions and Instructions set forth above.

15 Responding Party objects to this request on the grounds that it is overly broad, unduly
16 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

17 Responding Party objects to this request on the grounds that it seeks production of
18 documents protected by the attorney-client privilege, work product doctrine, joint defense or
19 common interest privilege, or by any other applicable doctrine or privilege.

20 Responding Party objects to this request on the grounds it seeks information and/or
21 documents that would disclose confidential information protected by any and all rights of privacy
22 under the United States Constitution or any other applicable law, or that is otherwise prohibited
23 from disclosure because to do so would cause Responding Party to violate legal and/or
24 contractual obligations to any other persons or entities.

25 Responding Party objects to this request on the grounds that, to the extent it seeks
26 documents regarding "CRT Products," as distinguished from "CRTs," this request is vague and
27 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not
28 relevant to the claim or defense of any party, not relevant to the subject matter involved in this

1 action, and not reasonably calculated to lead to the discovery of admissible evidence.

2 Responding Party objects that the “Relevant Time Period” is overly broad and not
 3 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible
 4 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing
 5 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request
 6 purports to seek documents beyond the statute of limitations.

7 Responding Party objects that this request is duplicative of Request No. 5 of Plaintiffs’
 8 Second Set of Requests for Production of Documents.

9 Responding Party objects on the grounds that it seeks documents not in existence or not
 10 currently in its possession, custody or control.

11 Responding Party objects to the extent this request seeks documents that are no longer
 12 active or readily accessible in electronic form which renders this request overly broad and unduly
 13 burdensome.

14 Responding Party objects on the grounds that, to the extent this request seeks documents
 15 related to “CRTs,” this request overly broad, unduly burdensome, and purports to call for
 16 information that is not relevant to the claim or defense of any party, not relevant to the subject
 17 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible
 18 evidence. The Complaint alleges Plaintiffs purport to bring this action “on behalf of individuals
 19 and entities that indirectly purchased Cathode Ray Tube Products.” (Complaint, ¶ 1).

20 Responding Party objects on the grounds that, to the extent Responding Party produces
 21 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be
 22 produced again.

23 Responding Party objects that, to the extent documents responsive to this request were
 24 previously produced, they will not be produced again.

25 Subject to and without waiving the general and specific objections stated above,
 26 Responding Party responds that it will make reasonable, not unduly burdensome efforts to
 27 identify documents responsive to this request within the Limitations Period and, if any, will
 28 produce non-privileged, responsive documents.

1 **REQUEST NO. 6 [SIC] REQUEST NO. 52:**

2 Documents and electronic data sufficient to identify or set forth your annual, monthly and
 3 quarterly sales of CRT or CRT Products which were resold in the United States from January 1,
 4 1991 through the present.

5 **RESPONSE TO REQUEST NO. 6 [SIC] REQUEST NO. 52:**

6 Responding Party reasserts and incorporates each of the General Objections and
 7 Objections to Definitions and Instructions set forth above.

8 Responding Party objects to this request on the grounds that it is overly broad, unduly
 9 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

10 Responding Party objects to this request on the grounds that it seeks production of
 11 documents protected by the attorney-client privilege, work product doctrine, joint defense or
 12 common interest privilege, or by any other applicable doctrine or privilege.

13 Responding Party objects to this request on the grounds that, to the extent it seeks
 14 documents regarding “CRT Products,” as distinguished from “CRTs,” this request is vague and
 15 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not
 16 relevant to the claim or defense of any party, not relevant to the subject matter involved in this
 17 action, and not reasonably calculated to lead to the discovery of admissible evidence.

18 Responding Party objects that the “Relevant Time Period” is overly broad and not
 19 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible
 20 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing
 21 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request
 22 purports to seek documents beyond the statute of limitations.

23 Responding Party objects that the phrase “resold in the United States” calls for a legal
 24 conclusion and is vague, ambiguous, and unintelligible.

25 Responding Party objects on the grounds that it seeks documents not in existence or not
 26 currently in its possession, custody or control.

27 Responding Party objects to the extent this request seeks documents that are no longer
 28 active or readily accessible in electronic form which renders this request overly broad and unduly

1 burdensome.

2 Responding Party objects on the grounds that, to the extent this request seeks documents
 3 related to "CRTs," this request overly broad, unduly burdensome, and purports to call for
 4 information that is not relevant to the claim or defense of any party, not relevant to the subject
 5 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible
 6 evidence. The Complaint alleges Plaintiffs purport to bring this action "on behalf of individuals
 7 and entities that indirectly purchased Cathode Ray Tube Products." (Complaint, ¶ 1).

8 Responding Party objects on the grounds that, to the extent Responding Party produces
 9 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be
 10 produced again.

11 Subject to and without waiving the general and specific objections stated above,
 12 Responding Party responds that it will make reasonable, not unduly burdensome efforts to
 13 identify documents responsive to this request within the Limitations Period and, if any, will
 14 produce non-privileged, responsive documents.

15

16 Dated: June 28, 2010

MORGAN, LEWIS & BOCKIUS LLP

17

18 By



Diane L. Webb
Attorneys for Hitachi Asia, Ltd.

19

20

21

22

23

24

25

26

27

28

MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO